
By: **Senators Kelley, Hafer, and Lawlah**
Introduced and read first time: January 31, 2003
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Leases - Termination - Permanent Disability of Tenant**

3 FOR the purpose of limiting the liability of a tenant who terminates a residential
4 lease because of a permanent disability of the tenant or certain family members
5 that requires certain structural alterations made to the leased premises to make
6 the premises safe and the landlord fails or refuses to make the alterations;
7 requiring the tenant to provide the landlord with a physician's written
8 certification of the permanent disability and notice of intent to terminate the
9 lease if structural alterations are not made; establishing a certain period of time
10 for the landlord's response before the tenant may terminate the lease; requiring
11 a tenant to surrender possession of the leased premises to the landlord within a
12 certain time period; and generally relating to the termination of residential
13 leases.

14 BY adding to
15 Article - Real Property
16 Section 8-212.2
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Real Property**

22 8-212.2.

23 (A) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, IF A TENANT
24 MEETS THE CONDITIONS SET FORTH IN SUBSECTION (B) OF THIS SECTION, THE
25 TENANT'S LIABILITY FOR RENT UNDER THE LEASE MAY NOT EXCEED:

26 (1) 30 DAYS' RENT AFTER THE DOCUMENTATION REQUIRED UNDER
27 SUBSECTION (B)(2) OF THIS SECTION IS GIVEN TO THE LANDLORD; AND

1 (2) THE COST OF REPAIRING DAMAGE TO THE LEASED PREMISES
2 CAUSED BY AN ACT OR OMISSION OF THE TENANT.

3 (B) THE TENANT SHALL ESTABLISH THAT:

4 (1) EITHER THE TENANT OR A MEMBER OF THE TENANT'S FAMILY WHO
5 RESIDES WITH THE TENANT AT THE LEASED PREMISES SUFFERS FROM A
6 PERMANENT DISABILITY THAT IS CERTIFIED IN WRITING BY A PHYSICIAN LICENSED
7 BY THE STATE BOARD OF PHYSICIAN QUALITY ASSURANCE TO PRACTICE MEDICINE
8 IN THE STATE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;

9 (2) THE TENANT HAS GIVEN THE LANDLORD THE PHYSICIAN'S
10 CERTIFICATION OF PERMANENT DISABILITY AND A WRITTEN NOTICE THAT:

11 (I) THE PERMANENT DISABILITY IS OF A NATURE THAT THE
12 DISABLED TENANT OR DISABLED FAMILY MEMBER MAY NO LONGER LIVE SAFELY AT
13 THE LEASED PREMISES WITHOUT STRUCTURAL ALTERATIONS MADE TO THE LEASED
14 PREMISES; AND

15 (II) THE TENANT WILL TERMINATE THE LEASE AND SURRENDER
16 POSSESSION OF THE LEASED PREMISES WITHIN 30 DAYS IF THE STRUCTURAL
17 ALTERATIONS ARE NOT MADE; AND

18 (3) WITHIN 14 DAYS AFTER RECEIVING THE PHYSICIAN'S
19 CERTIFICATION AND WRITTEN NOTICE FROM THE TENANT, THE LANDLORD:

20 (I) COMMUNICATED TO THE TENANT THAT THE LANDLORD IS
21 UNABLE OR UNWILLING TO MAKE THE NECESSARY STRUCTURAL ALTERATIONS TO
22 THE LEASED PREMISES;

23 (II) FAILED TO COMMUNICATE WITH THE TENANT; OR

24 (III) COMMUNICATED TO THE TENANT THAT THE LANDLORD
25 WOULD MAKE STRUCTURAL ALTERATIONS BUT DID NOT BEGIN THE ALTERATIONS
26 WITHIN THE NEXT 7 DAYS.

27 (C) A TENANT WHO TERMINATES A RESIDENTIAL LEASE UNDER THIS
28 SECTION SHALL SURRENDER POSSESSION OF THE LEASED PREMISES TO THE
29 LANDLORD BY THE 30TH DAY AFTER RECEIPT OF THE PHYSICIAN'S CERTIFICATION
30 AND WRITTEN NOTICE BY THE LANDLORD.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2003.